

Remarks

The present Second Preliminary Amendment is submitted to add Figs. 41 and 42 to the above-identified patent application (the “Application”) and is accompanied by the Declaration of Elizabeth A. Egasti as recommended by M.P.E.P § 608.01(p). No new matter has been added.

Applicants received a Notice to File Missing Parts dated February 26, 2004. The Notice indicated that Figs. 41 and 42 were omitted from the Application during filing. The Notice also indicated that the Applicants are required to take action pursuant to parts I, II, or III of the Notice. Because the options of part I and II are not applicable to the Application, Applicants constructively accept the option of part III and accept the application as deposited. However, Applicants respectfully contend that the amendments to the specification and drawings to renumber the figures and cancel any reference to the omitted drawings (as suggested by the option of part III) are not necessary due to the reasons detailed below. Further, Applicants contend that the Application, as filed, includes Figs. 41 and 42, as discussed below.

The Application incorporates by reference the entire contents of U.S. provisional patent application entitled “METHOD AND SYSTEM FOR BATTERY PROTECTION” filed on November 19, 2003 (Atty. Docket No. 066042-9536-00), which is now Serial No. 60/523,716 (the “provisional application”). See the Specification, page 1, RELATED APPLICATIONS section. The provisional application includes Figs. 41 and 42. The Applicants contend that the amendatory material of Figs. 41 and 42 in this Second Preliminary Amendment consists of that portion of the material of the provisional application which is incorporated by reference in the Application. According to the M.P.E.P § 2163.07(b), “[r]eplacing the identified material incorporated by reference with the actual text is not new matter.” Therefore, the Application, as filed, includes Figs. 41 and 42.

Furthermore, Figs. 41 and 42 are described adequately in the specification of the present Application. For example, Figs. 41 and 42 are listed in the BRIEF DESCRIPTION OF THE DRAWINGS section and described in detail on page 40, line 30 through page 45, line 19 of the Application.

For the above reasons, no new matter has been added. The Application is complete as of the filing date of November 20, 2003. Applicants respectfully request entry of this Second Preliminary Amendment. The undersigned is available for telephone consultation at any time.

Respectfully submitted,



Elizabeth A. Egasti
Reg. No. 54,635

Docket No. 066042-9536-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560